

Notice of Allowability

Application No.

10/678,715

Examiner

Preeti Kumar

Applicant(s)

KIMBRELL, WILLIAM C.

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/30/2006.
2. ☒ The allowed claim(s) is/are 44, 50-53, 60, 66-69, 76, 82-85, renumbered 1-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date See Attached.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Response to Arguments

1. The rejection of claims 44-54, 60-70 and 76-86 under 35 U.S.C. 103(a) as being unpatentable over Farmer (US 4,103,051) in view of Krogh et al. (US 6,169,064) is withdrawn in light of Applicants arguments and upon entry of the Examiner's Amendment below.

Drawings

2. The drawings were received on 10/03/2003. These drawings are acceptable.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Brenda Wentz on Aug. 4, 2006. Support for the amendment can be found in the original claims and Applicants specification (US 2004/0064811) paragraph [0014].

4. The application has been amended as follows:

The claims:

In claim 44, line 3, delete "(a) Applying an effective amount of a branched chain amine to the surface of the article, wherein the branched chain amine is selected from the group consisting of aliphatic amines, alkyl amines, and aliphatic substituted cyclic amines, and wherein the amine contains between 8 and 14 carbon atoms; (b)

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Heating the article;" and replace with –(a) Applying an effective amount of a branched chain amine to the surface of the article, wherein the branched chain amine is selected from the group consisting of Isodecyloxypropyl-1,3-diaminopropane, Isododecyloxypropyl-1,3-diaminopropane, Isotridecyloxypropyl-1,3-diaminopropane; (b) Heating the article whereby a reaction product is formed;--.

In claim 60, line 3, delete "(a) Applying an effective amount of a branched chain amine to the surface of the article, wherein the branched chain amine is selected from the group consisting of aliphatic amines, alkyl amines, and aliphatic substituted cyclic amines, and wherein the amine contains between 8 and 14 carbon atoms; (b) Heating the article" and replace with –(a) Applying an effective amount of a branched chain amine to the surface of the article, wherein the branched chain amine is selected from the group consisting of Isodecyloxypropyl-1,3-diaminopropane, Isododecyloxypropyl-1,3-diaminopropane, Isotridecyloxypropyl-1,3-diaminopropane; (b) Heating the article whereby a reaction product is formed--.

In claim 76, line 3, delete "(a) Applying an effective amount of a branched chain amine to the surface of the article, wherein the branched chain amine is selected from the group consisting of aliphatic amines, alkyl amines, and aliphatic substituted cyclic amines, and wherein the amine contains between 8 and 14 carbon atoms; (b) Heating the article" and replace with –(a) Applying an effective amount of a branched chain amine to the surface of the article, wherein the branched chain

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amine is selected from the group consisting of Isodecyloxypropyl-1,3-diaminopropane, Isododecyloxypropyl-1,3-diaminopropane, Isotridecyloxypropyl-1,3-diaminopropane; (b) Heating the article whereby a reaction product is formed--.

Claims 47-49, 54, 63-65, 70, 79-81 and 86 are cancelled.

REASONS FOR ALLOWANCE

5. The following is an examiner's statement of reasons for allowance: Claims 44, 50-53, 60, 66-69, 76, 82-85, renumbered 1-15, are allowable over the prior art of record. The Examiner's Amendment and the amendment and arguments filed by the applicant's are sufficient to place the instant claims in condition for allowance.

The most pertinent prior art is Farmer (US 4,103,051) and Krogh et al. (US 6,169,064). However, Farmer does not teach or suggest modifying a textile article with the claimed branched chain amine selected from the group consisting of Isodecyloxypropyl-1,3-diaminopropane, Isododecyloxypropyl-1,3-diaminopropane and Isotridecyloxypropyl-1,3-diaminopropane. Krogh et al. teach the utility of the claimed branched chain amines in a surfactant composition. However, one of ordinary skill in the art would not have been motivated to combine the teachings of Farmer with that of Krogh et al. to arrive at the claimed substituted hydrolysable polymer chemically incorporated into a textile article because Krogh et al. are drawn to surfactant cleaning compositions which do not chemically modify a textile to form a reaction product.

Applicant has shown on record in the examples that the branched chain amines selected from the group consisting of Isodecyloxypropyl-1,3-diaminopropane,

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Isododecyloxypropyl-1,3-diaminopropane and Isotridecyloxypropyl-1,3-diaminopropane demonstrate unexpected and unobvious results when compared to chemical modification with aliphatic amines such as n-Coco-1,3-propanediamine. Accordingly, the instant claims are deemed allowable.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 571-272-1320. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Mc Ginty can be reached on 571-272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

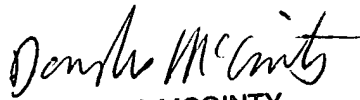
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Preeti Kumar
Examiner
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PK


DOUGLAS MCGINTY
SUPERVISORY PATENT EXAMINER

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